

## REMARKS

In an Office Action mailed February 24, 2011, prosecution was reopened; claims 24 and 25 were rejected under 35 U.S.C. § 112, second paragraph; claims 16-20 were rejected under 35 U.S.C. § 101; and claims 1-20, 24 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over White in view of Agrawal.

Regarding the § 101 rejections, claim 16 has been amended to recite, "a computer-readable non-transitory storage medium," which clarifies that the storage medium is not a transitory media, such as a mere signal propagation medium. Thus, for at least this reason, withdrawal of the § 101 rejections of claims 16-20 is respectfully requested.

Independent claim 24 has been amended to remove the means plus function language, thereby removing the basis for the § 112, second paragraph rejections of claims 24 and 25.

Regarding the § 103 rejections, to make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as the U.S. Supreme Court held, it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

The method of independent claim 1 recites forming a search expression for locating a data object; for a given node of the plurality of nodes, evaluating other nodes of the plurality of nodes that are connected to the given node based on Bloom-filters and incentive-based criteria to select one or more of the other nodes to propagate a search expression; and propagating the search expression to the selected nodes.

White generally discloses searching for a given resource on a hierarchical peer-to-peer network. In this manner, each peer contains data that indicate the resources that the peer contains as well as the resources that are contained by the peer's children. *See for example*, White, para. no. [0045]. In the § 103 rejection of claim 1, the Office Action relies on White for its purported disclosure of selecting one or more nodes to propagate a

search expression based on purported incentive-based criteria. Office Action, p. 4. However, the language cited by the Office Action merely discloses that when White's search for a resource encounters a peer that contains data that indicates that more than one child of the peer contains the resource, a decision is made regarding which child is selected to provide the resource. *See, for example*, White, ll. 8-11 and ll. 17-19. White further discloses that when both children contain the resource (as indicated by the parent), the closest child is selected to provide the resource. White, para. no. [0045], ll. 19-21. Although the Office Action contends that White purportedly discloses selecting a node to propagate a search expression based on locality (the alleged "incentive-based criteria" of claim 1), White merely discloses how to select a node to fulfill a particular resource request after the search has ended (emphasis added). In other words, in White, the search ends at the parent (that has multiple children containing the resource); and the locality of the children to the parent is not used for purposes of propagating a search expression but rather, for purposes of selecting which child provides the now located resource. Thus, the skilled artisan would not glean from White the concept of evaluating nodes based on Bloom-filters and incentive-based criteria to select one or more of the nodes to propagate a search expression, regardless of whether White's locality heuristic is labeled an "incentive-based criteria" or not.

Agrawal, which is being relied on in the Office Action solely for its purported disclosure of resources being data objects, fails to disclose or render obvious the missing claim limitations.

Thus, for at least the reason that the hypothetical combination of White and Agrawal fails to disclose or render obvious all of the limitations of claim 1, Applicant requests withdrawal of the § 103 rejection of this claim.

For similar reasons, Applicant respectfully requests withdrawal of the § 103 rejections of claims 8 and 16, which recite a processing unit arranged to evaluate nodes based on Bloom-filters and incentive-based criteria to select one or more of the nodes to propagate a search expression (claim 8); and a computer-readable non-transitory storage medium having instructions stored thereon which are executed on a processor, for evaluating nodes to select one or more of the nodes to propagate a search expression based on incentive-based criteria and one or more Bloom-filters (claim 16).

Amended independent claim 24 also overcomes the § 103 rejection in that the hypothetical combination of White and Agrawal fails to disclose or render obvious at least a processor to evaluate nodes based on Bloom-filters and incentive-based criteria to select one or more of the nodes to propagate a search expression.

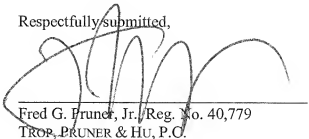
Claims 2-7, 9-15, 17-20 and 25 overcome the § 103 rejections for at least the same reasons as the claims from which they depend. Moreover, newly-added claims 26 and 27 are patentable over the cited art for at least the reason that these claims depend from allowable claim 1.

#### CONCLUSION

In view of the foregoing, Applicant respectfully requests withdrawal of the §§ 101, 103 and 112 rejections and a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2025, under Order No. 200208216-1.

Respectfully submitted,

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